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**FILED**

AUG 16 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**ATTORNEYS FOR PLAINTIFFS**

**MONTANA SECOND JUDICIAL DISTRICT COURT  
SILVER BOW COUNTY**

**GREGORY A. SCHINDLER,  
and GRACE SCHINDLER,**

**Plaintiffs,**

**-vs-**

**UNITED SERVICES AUTOMOBILE  
ASSOCIATION (USAA) INC.,**

**Defendant.**

**CAUSE NO. DV-08-537**

**AMENDED NOTICE OF  
TRANSCRIPTS DEEMED  
NECESSARY FOR APPEAL**

Notice is given that GREGORY A. SCHINDLER and GRACE SCHINDLER, the Appellants in the above-named case, hereby determine the following transcripts are necessary for appeal:

PRE-TRIAL PROCEEDINGS:

1. Oral Arguments on Plaintiffs' Motion for Summary Judgment that occurred on August 5, 2009.
2. Oral Arguments of Plaintiffs' Motions in Limine that occurred on June 11, 2010.
3. Judge Newman's oral pronouncement and ruling on Plaintiffs' Combined Motion and Memorandum in Support of Motion in Limine on Breach of Insurance Contract Claim.

Pursuant to the Court's Order filed August 4, 2010, Appellants have ordered the following additional transcripts:

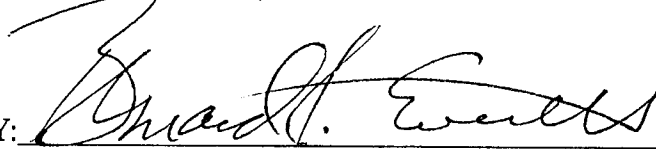
1. Opening Statements.
2. The entire trial testimony of Rich Aufrecht.
3. The entire trial testimony of Greg Schindler.
4. The entire trial testimony of John Morrison.
5. The entire trial testimony of Lee Williams.
6. The entire trial testimony of Grace Schindler.
7. The entire trial testimony of Maryann Shirer.
8. The entire trial testimony of Gary M. Zadick.
9. The entire transcript of all motions and arguments at the close of Plaintiffs' case-in-chief and the renewal of some motions.
10. Closing Arguments.
11. The polling of the jury.
12. All evidentiary objections, arguments and motions heard outside the presence of the jury during the trial.

The Court Reporter responsible for the preparation of these transcripts is Kimberly Carpenter.

It is further certified that financial arrangements were made with the Court Reporter before filing this Notice.

DATED THIS 13 DAY OF August, 2010.

KNIGHT, DAHOOD, EVERETT & SIEVERS

BY: 

BERNARD J. "BEN" EVERETT  
113 East Third Street  
Anaconda, MT 59711  
Attorneys for Appellants

**CERTIFICATE OF SERVICE**

I hereby certify that I filed a true and accurate copy of the foregoing AMENDED NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing AMENDED NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL upon the Clerk of the District Court, each attorney of record, each Court Reporter from whom a

transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court Action, as follows:

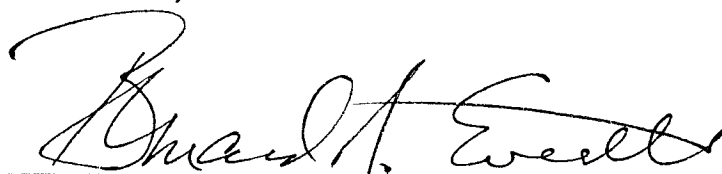
ED SMITH  
CLERK OF THE MONTANA SUPREME COURT  
P. O. Box 203003  
Helena, MT 59620-3003

LORI MALONEY  
CLERK OF DISTRICT COURT  
SILVER BOW COUNTY COURTHOUSE  
155 West Granite Street, Rm. 313  
Butte, MT 59701

KIMBERLY CARPENTER  
COURT REPORTER  
155 West Granite Street  
Butte, MT 59701

GARY WALTON  
WALTON & LUWE, PLLC  
P. O. Box 4248  
Butte, MT 59702-4248

DATED THIS 13 DAY OF August, 2010.

A handwritten signature in black ink, appearing to read "Bernard J. Everett", written over a horizontal line.

BERNARD J. "BEN" EVERETT  
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